



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventors: S. KOSAKO, et al. Art Unit: 1745

Application No.: 10/760,559

Filed: January 21, 2004

For: FUEL CELL, ELECTROLYTE MEMBRANE-ELECTRODE
ASSEMBLY FOR FUEL CELL AND MANUFACTURING
METHOD THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner of Patents
Washington, DC 20231

Sir:

In response to the Restriction Requirement of May 19, 2006,
Applicants hereby elect Invention I, claims 1-5 and 10-19 drawn to
a polymer electrolyte membrane-electrode, classified in class 429,
subclass 30, with traverse.

Applicants respectfully request withdrawal of the Restriction
Requirement. No unduly extensive or burdensome search would be
required to examine the various claims of the noted Groups in the
same application. MPEP §803 states:

"If the search and examination of
all the claims in an application
can be made without serious burden,
the Examiner *must* examine them on
the merits, even though they
include claims to distinct or
independent inventions." (Emphasis
added)

In the present case, the search for all pending claims together would not be burdensome.

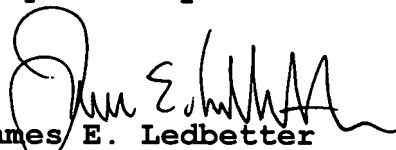
Moreover, from the standpoint of costs to the Applicants involved in filing, issuance and maintenance fees relating to separate applications if the present Restriction Requirement is maintained, it is clear that there is substantially more burden on Applicants by imposing the present Requirement than on the Patent Office if the Requirement were withdrawn.

In addition, it is noted that to require the claims of the various Groups to issue in separate patents would result in inconvenience to the public by necessitating reference to more than one patent during searching, to review closely related subject matter.

Therefore, withdrawal of the Restriction Requirement is warranted.

Reconsideration and withdrawal of the Restriction Requirement are respectfully requested.

Respectfully submitted,


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Date: September 26, 2007

JEL/jcw

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